

HOUSE BILL No. 1179

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-32-11-1; IC 31-33-2-4; IC 31-33-2-5; IC 31-33-10-3.

Synopsis: Law enforcement and children. Provides that information relating to the abuse or neglect of a child that would otherwise be confidential as a privileged communication may be released to the law enforcement agency or county office of family and children that is conducting a child abuse or neglect investigation relating to the child. Requires that photographs, x-rays, or physical medical examination reports made with respect to a child who is the subject of a child in need of services investigation must be made available to the appropriate law enforcement agency for use in a child abuse or neglect investigation or a proceeding relating to the subject matter of the report.

Effective: July 1, 1998.

Ruppel, T. Adams, Day, Budak

January 8, 1998, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1179

A BILL FOR AN ACT to amend the Indiana Code concerning family law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-32-11-1, AS ADDED BY P.L.1-1997,
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. (a) The privileged communication between:
4 (1) a husband and wife;
5 (2) a health care provider and the health care provider's patient;
6 (3) a:
7 (A) certified social worker;
8 (B) certified clinical social worker; or
9 (C) certified marriage and family therapist;
10 and a client of any of the professionals described in clauses (A)
11 through (C);
12 (4) a school counselor and a student; or
13 (5) a school psychologist and a student;
14 is not a ground for excluding evidence in any judicial proceeding
15 resulting from a report of a child who may be a victim of child abuse
16 or neglect or relating to the subject matter of the report or failing to
17 report as required by IC 31-33.

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1 **(b) Notwithstanding any other law, information that:**

2 **(1) is confidential as a privileged communication described in**
 3 **subsection (a)(2) through (a)(5); and**

4 **(2) relates to the abuse or neglect of a child who is the subject**
 5 **of a child in need of services investigation;**

6 **may be released to a law enforcement agency or county office of**
 7 **family and children that is conducting the child in need of services**
 8 **investigation.**

9 SECTION 2. IC 31-33-2-4, AS ADDED BY P.L.1-1997, SECTION
 10 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 11 1998]: Sec. 4. The local child protection service shall give notice of the
 12 existence and location of photographs, x-rays, and physical medical
 13 examination reports to:

14 (1) the prosecuting attorney; and

15 (2) the appropriate law enforcement agency, **if the law**
 16 **enforcement agency has not already received under**
 17 **IC 31-33-10-3 the items described in this section.**

18 SECTION 3. IC 31-33-2-5, AS ADDED BY P.L.1-1997, SECTION
 19 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 20 1998]: Sec. 5. Photographs, x-rays, or physical medical examination
 21 reports shall be made available to:

22 **(1) the law enforcement agency having jurisdiction;**

23 ~~(2)~~ (2) the county office of family and children;

24 ~~(3)~~ (3) the prosecuting attorney;

25 ~~(4)~~ (4) the guardian ad litem; or

26 ~~(5)~~ (5) the court appointed special advocate appointed by the
 27 juvenile court;

28 for use in any judicial proceeding relating to the subject matter of a
 29 report made under this article and, to the extent permissible under the
 30 Indiana Rules of Trial Procedure, to the adverse party in any
 31 proceeding arising under this article.

32 SECTION 4. IC 31-33-10-3, AS ADDED BY P.L.1-1997,
 33 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 1998]: Sec. 3. All photographs taken and a summary of x-rays
 35 and other medical care shall be sent to the local child protection service
 36 **and a law enforcement agency that investigates the alleged child**
 37 **abuse or neglect** at the time the written report is sent or as soon
 38 thereafter as possible. The local child protection service shall give
 39 notice of the existence of photographs, x-rays, and physical medical
 40 examination reports in accordance with IC 31-33-2-4.



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